

SUPERIOR COURT
OF THE
STATE OF DELAWARE

T. HENLEY GRAVES
RESIDENT JUDGE

SUSSEX COUNTY COURTHOUSE
ONE THE CIRCLE, SUITE 2
GEORGETOWN, DE 19947

April 27, 2009

James D. Nutter, Esquire
Mooney & Nutter, P.A.
11 South Race Street
Georgetown, DE 19947

Donald R. Bucklin, Esquire
Department of Justice
114 East Market Street
Georgetown, DE 19947

RE: Vera E. Curtis
Defendant ID No. 0812011548

Dear Counsel:

The defense has filed a Motion to Suppress in regard to a search warrant executed at the residence of Vera E. Curtis. The Court has now had the opportunity to review the affidavit to examine the "four corners" of the affidavit for purposes of determining probable cause. *Henry v. State*, Del. Supr. 373 A.2d 575 (Del. 1977). It is necessary for the warrant to not only establish probable cause, but to also establish a connection between the contraband sought and the residence of the defendant. *State v. Cannon*, 2007 WL 1849022 (Del. Super. June 27, 2007).

In this case, a confidential informant informed the police that he/she could purchase crack cocaine from Ernest Lofland who resided at 27444 Streets Road in Millsboro, Delaware. Apparently, Ms. Curtis also resided there but she was not a target of the warrant.

Arrangements were made whereby the CI contacted Mr. Lofland by telephone for the purposes of having Mr. Lofland supply crack cocaine to the informant. 27444 Streets Road was placed under observation by the police at the time the phone call was made. Following the placement of the order for crack cocaine, Mr. Lofland was seen exiting the Streets Road residence where he was subsequently stopped and found to have been in possession of a quantity of crack cocaine.

Based upon the above facts and the common sense inferences arising from them, I am satisfied that not only did probable cause exist for the warrant, but there is a nexus back to the residence which was the subject of the search warrant.

James D. Nutter, Esquire
Donald Bucklin, Esquire
Page 2
April 27, 2009

At the time the phone call was made by the informant, Mr. Lofland was in that residence. He was seen leaving that residence for purposes of delivering the cocaine. I am satisfied that is a sufficient connection that Mr. Lofland was using the residence for purposes of storing and/or delivering cocaine, and therefore, the Motion to Suppress is denied.

IT IS SO ORDERED.

Yours very truly,

/s/ T. Henley Graves

T. Henley Graves

baj
cc: Prothonotary.